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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,765

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Seppo Pohja

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EXAMINER

POLLACK, MELVIN H

ART UNIT

PAPER NUMBER

2445

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/773,765	Applicant(s) POHJA ET AL.	
	Examiner MELVIN H. POLLACK	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 92-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 92-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see P.2, filed 2/23/11, with respect to the rejection(s) of claim(s) 92-125 under Salokannel have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found secondary art.
2. The secondary art Salokannel has been withdrawn, as has the original art rejection. A new art rejection with new secondary art has been found.
3. The rejection is non-final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 92-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libes (2003/0,162,556) in view of Gubbi et al. (2003/0,231,621).
6. For claims 92, 124, Libes teaches a method and software product (abstract; Paras. 1-30 and 49) comprising:
 - a. detecting, by a device (Para. 32, master detects master), based on measurement results that a mobile device is at least in close vicinity to another mobile device (Paras. 35 – 39; several methods of detecting close vicinity);

Art Unit: 2445

- b. causing, by a device, the establishment of a communication channel via a communication network between the mobile device and the other mobile device in response to the detection that the mobile device is at least in close vicinity to another mobile device (Para. 32; handshaking between masters);
 - c. monitoring, by a device, conditions on said established communication channel (Paras. 41, 45; determining compatibility, success or failure of connections).
7. Libes does not expressly disclose updating, by a device, said communication channel in case said conditions are detected to be worse than predetermined conditions. Gubbi teaches a method and system (abstract) of developing short-range wireless systems (Paras. 1-48 and 159) that includes the device updating the communication channel based on current conditions (Paras. 56 – 78, esp. Paras. 72-78; updating channel in response to interference). At the time the invention was made, one of ordinary skill in the art would have added the Gubbi coordinator and interference handling system to the Libes piconet system in order to provide a more optimal connection for devices (Paras. 6 – 10).
8. For claim 93, Libes teaches that detecting that the mobile device is at least in close vicinity to another mobile device comprises at least one of detecting a physical touch between the mobile device and the other mobile device (Para. 33, direct contact) and detecting a short distance between the mobile device and the other mobile device (Paras. 35 – 39; plugs within physical proximity).
9. For claims 94, 103, 114, Libes teaches that the communication channel is set up according to one of predefined user preferences and a user input (Paras. 36 (optional switch), 43 – 45 (particular data shared)).

Art Unit: 2445

10. For claims 95, 104, 115, Libes teaches performing a security operation for determining at least one of whether the communication channel is allowed to be established between the mobile device and the other mobile device and whether the communication channel is allowed to be used for a specific data transmission (Para. 32; security key, manufacturer's information).

11. For claims 96, 105, 117, Libes teaches notifying at least one application in the mobile device about the communication channel (Paras. 43-45; notifications, information transfer).

12. For claims 97, 106, 118, Libes teaches invoking at least one application or at least one function of at least one application in the mobile device (Para. 43; information transfer, printing), in order to enable the at least one invoked application or at least one invoked function to interact via the communication channel with another application (Para. 45; interactions between devices).

13. For claims 98, 107, 119, Libes teaches establishing the communication channel is followed by a context dependent interaction via the communication channel with the other mobile device (Paras. 31-32 and 39-45; interactions depend on context).

14. For claims 100, 109, 121, Libes teaches an exchange of data via the established communication channel based on a user input to the mobile device (Paras. 36 (optional switch), 43 – 45 (particular data shared)).

15. For claims 101, 112, 123, 125, Libes teaches that established communication channel uses a direct link between said first electronic device and said at least one other of said electronic devices (Para. 32; handshaking connection), and wherein updating said communication channel comprises replacing said direct link by an indirect link between said first electronic device and said at least one other of said electronic devices (Para. 43; switching from primary to secondary connection system, i.e. from handshaking to wireless network).

Art Unit: 2445

16. For claims 102, 113, Libes teaches an apparatus and system (abstract; Paras. 1-30 and 49) comprising:

- a. a touch detection portion (Para. 33, direct contact), the touch detection portion being configured to detect (Para. 32, master detects master) based on measurement results that a mobile device is at least in close vicinity to another mobile device (Paras. 35 – 39; several methods of detecting close vicinity); and
- b. a link creation portion configured to cause the establishment of a communication channel via a communication network between the mobile device and the other mobile device in response to the detection that the mobile device is at least in close vicinity to another mobile device (Para. 32; handshaking between masters);
- c. the link creation portion configured to monitor conditions on said established communication channel (Paras. 41, 45; determining compatibility, success or failure of connections).

19. Libes does not expressly disclose updating, by a device, said communication channel in case said conditions are detected to be worse than predetermined conditions. Gubbi teaches a method and system (abstract) of developing short-range wireless systems (Paras. 1-48 and 159) that includes the device updating the communication channel based on current conditions (Paras. 56 – 78, esp. Paras. 72-78; updating channel in response to interference). At the time the invention was made, one of ordinary skill in the art would have added the Gubbi coordinator and interference handling system to the Libes piconet system in order to provide a more optimal connection for devices (Paras. 6 – 10).

Art Unit: 2445

17. For claims 110, 116, Libes teaches that the apparatus is a mobile device (Para. 31, wireless).

18. For claims 111, 122, Libes teaches that the apparatus is a mobile phone (Para. 31, cellular phone).

19. Claims 99, 108 and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libes and Gubbi as applied to claims 92, 102, 113 above, and further in view of Kreiner et al. (7,224,698).

20. For claims 99, 108, 120, Libes does not expressly disclose at least one of a copy-and-paste functionality, a cut-and-paste functionality and a drag-and-drop functionality in the mobile device makes use of the established communication channel for interacting with the other mobile device. Kreiner teaches a method and system (abstract) for sharing information over an ad-hoc network (col. 1, line 1 – col. 8, line 37) that includes the cut/copy and past functionality (col. 8, line 37 – col. 9, line 45). At the time the invention was made, one of ordinary skill in the art would have added the copy-paste functionality of Kreiner to the system of Libes in order to provide improved synchronization of information (col. 1, line 60 – col. 2, line 20).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Janky et al. (6,512,928) also teaches a channel updating in a wireless network due to monitored conditions, as is taught in other cited art.

Art Unit: 2445

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melvin H Pollack/
Examiner, Art Unit 2445